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## CITIZEN POTAWATOMI NATION

August 31, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 12th Street, SW  
Washington, DC 20554

Re: Comments to Dockets 11-42, 10-90, and 09-197 by the Citizen Potawatomi Nation via Electronic Filing

Dear Ms. Dortch:

The Citizen Potawatomi Nation, with tribal membership of slightly more than 30,000, is located in Shawnee, Oklahoma. We have reviewed the Second Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order and Memorandum Opinion and Order. In addition, our representatives, Dennis J. Dyer and Linda M. Arredondo, met with the following Commission staff in Tulsa, Oklahoma on August 7, 2015:

- Geoffrey Blackwell, Chief, Office of Native Affairs and Policy
- Irene Flannery, Deputy Chief, Office of Native Affairs and Policy
- Janet Sievert, Legal Advisor, Office of Native Affairs and Policy
- Anita Patankar-Stoll, Attorney Advisor, Office of the Managing Director

Please accept the following comments related to the reform and modernization of the Lifeline and LinkUp programs from the Citizen Potawatomi Nation regarding dockets 11-42, 10-90, and 09-197: published in the Federal Register on June 22, 2015.

### **1. Streamline Eligibility for Lifeline Support – Paragraphs 111-117:**

The Citizen Potawatomi Nation believes that household income should continue to be a determining factor for Lifeline and LinkUp eligibility. Tribal governments should be granted privileged access to the National Lifeline Administrative Database (NLAD) and associated reports. Access should be equal to that of the states. This access will provide more meaningful insight into the effectiveness of the program for our tribal members.

Self-Certification should be replaced with a more rigorous application process. All applicants should be required to submit a standardized form that contains data elements similar to those required for other federal low-income based programs. Supporting documentation should be required at the time of application and reviewed alongside the standardized application in order to determine if the applicant should be granted benefits under the Lifeline and Linkup programs.



In addition, given access to administrative funding, tribal governments could partner with the Universal Service Administrative Company (USAC), the national administrator of NLAD, to validate tribal members who qualify for Lifeline and LinkUp based on their residential and low-income status. A partnership between USAC and the tribal governments who are willing to engage in this effort would provide more in-depth data validation and a second layer of constraints for eligibility verification.

## **2. Tribal Lands Support – Paragraphs 158-171:**

A question Dennis J. Dyer posed during the meeting in Tulsa was: "Is a participant in this program "less poor" if they live in a densely populated area that resides in a tribal footprint, as compared to the participant who lives in a rural area of a tribal footprint." The Citizen Potawatomi Nation believes that population density should not become the sole determining factor for eligibility criteria; instead, considerations should also be made for participants who live in rural areas on tribal land.

## **3. Defining the "Former Reservations in Oklahoma" – Paragraphs 257-267:**

The Citizen Potawatomi Nation, like other tribes, is highly concerned about the implications of Paragraphs 257-267. Establishing a more accurate map for Indian country is very important to the Citizen Potawatomi Nation. Of course, this cannot be finished by the comment deadline. We are working in conjunction with other tribes in Oklahoma to develop a commonly accepted map of Tribal Boundaries. Once finalized, it will prove to be useful not only this initiative, but all future initiatives involving any other G2G consultations.

It is commonly agreed upon that all parties involved would benefit from an accurate GIS map which could be referenced for present and future projects. Meanwhile, a simple "Flat Land/Metes and Bounds" hand painted document, as has been adopted by the FCC for Lifeline and LinkUp purposes. If the adopted map is put in place for the Lifeline and LinkUp programs, it may be used for additional programs which need more precision. The Citizen Potawatomi Nation believes that the FCC should seek a more broad and strategic approach by adopting a map that could be used, in a meaningful way, across all programs.

We are asking the Commission to allow additional time for the development of a more accurate GIS map that includes all Oklahoma tribe's geospatial boundaries. This map would be created via a common GIS workgroup currently being formed under the Oklahoma Native American Technology Council. Many discrepancies have been uncovered with regards to the 1870-1890 map, including, but not limited to, Cherokee Outlet and Greer County. These anomalies could negatively impact present and future FCC to Tribal policies and programs. Therefore, establishing a more accurate map for the current tribal footprints is in the best interest of both the FCC and tribes. There is need for careful balance and consideration of all governments involved.

We are also suggesting the use of the "overall" boundary of all tribal lands in Oklahoma during the interim. All recipients of these programs will fall into the "overall" boundary. It would be designated as a general boundary that includes "ALL" tribal land within the State of Oklahoma. Using this methodology as an interim method will help to ensure a smooth transition period while we flesh out the more accurate map.

#### **4. Appendix E – Oklahoma Tribal Map:**

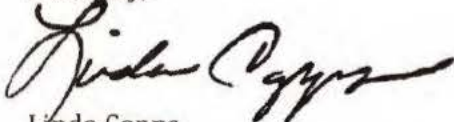
Please see attached Exhibit A – Attempted Geo-Reference of Webb's Historical Map of Oklahoma to a Modern Base Map

#### **5. Additional Suggestions Outside of the Scope of Lifeline and LinkUp Reform:**

As the Commission moves forward with these reforms and proposed reforms the Citizen Potawatomi Nation highly recommends that you set a positive example by following all federal tribal consultation guidelines and requirements. The goal of this initiative is to improve governmental services and programs for individuals residing on tribal lands. Scheduling public meetings and requesting public comment after an order has been adopted falls short with regards to reasonable tribal consultation expectations. Tribal *consultation* is intended to elicit early interactive feedback from tribes as well as ongoing meaningful discussions prior to any proposed action being adopted. It should be noted that the Citizen Potawatomi Nation recognizes the difference between consultation and pacification.

Thank you for the opportunity to respond to these reforms and proposed reforms. If you have any questions regarding these comments, please address them to Dennis Dyer, CPN Information Technology Director, via email at [Dennis.Dyer@potawatomi.org](mailto:Dennis.Dyer@potawatomi.org) or by phone at 405-275-3121.

Sincerely,



Linda Capps

Vice-Chairman, Citizen Potawatomi Nation



## Exhibit A - Attempted Geo-Reference of Webb's Historical Map of Oklahoma to a Modern Base Map

